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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Friend et al. Confirmation No.: 1315  
Serial No.: 09/975,843 Art Unit: 1631  
Filed: October 12, 2001 Examiner: Marschel, A.  
For: COMPUTER SYSTEMS AND Attorney Docket No.: 9301-161  
COMPUTER PROGRAMS FOR  
DETERMINING PROTEIN  
ACTIVITY LEVELS USING GENE  
EXPRESSION PROFILES (As  
Amended)

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated August 25, 2004 of the Primary Examiner finally rejecting claims 53, 55, 56, 67, 71 and 79-81 and objecting to claims 54, 57-59, 68 and 72 of the above-identified application.

The item(s) checked below are appropriate:

1.  An extension of time for responding to the final rejection for one month:  
 was filed on  
 is submitted herewith.
2.  A timely response to the final rejection has been filed.
3.  A fee in the amount of \$500.00 is:  
 Required.  
 Not required (Fee paid in prior appeal).
4.  Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$170.00 is:  
 Required.  
 Not required (Fee paid in prior appeal).
5.  Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

32,605

(Reg. No.)

Adriane M. Antler

JONES DAY

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Date: December 22, 2004

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